



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

23844 7590 02/16/2012
SCOTT C HARRIS
Law Office of Scott C Harris, Inc
P O BOX 1389
Rancho Santa Fe, CA 92067-1389

EXAMINER

BORLINGHAUS, JASON M

ART UNIT

PAPER NUMBER

3693

DATE MAILED: 02/16/2012

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/669,805

09/26/2000

Scott C. Harris

RTA/SCH

3717

TITLE OF INVENTION: REAL TIME AUCTION WITH END GAME

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$870	\$0	\$0	\$870	05/16/2012

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

23844 7590 02/16/2012
SCOTT C HARRIS
Law Office of Scott C Harris, Inc
P O BOX 1389
Rancho Santa Fe, CA 92067-1389

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/669,805 09/26/2000 Scott C. Harris RTA/SCH 3717

TITLE OF INVENTION: REAL TIME AUCTION WITH END GAME

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
-------------	--------------	---------------	---------------------	----------------------	------------------	----------

nonprovisional YES \$870 \$0 \$0 \$870 05/16/2012

EXAMINER	ART UNIT	CLASS-SUBCLASS
----------	----------	----------------

BORLINGHAUS, JASON M 3693 705-037000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,805	09/26/2000	Scott C. Harris	RTA/SCH	3717

23844 7590 02/16/2012
SCOTT C HARRIS
Law Office of Scott C Harris, Inc
P O BOX 1389
Rancho Santa Fe, CA 92067-1389

EXAMINER

BORLINGHAUS, JASON M

ART UNIT	PAPER NUMBER
----------	--------------

3693

DATE MAILED: 02/16/2012

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 989 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 989 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No.	Applicant(s)	
	09/669,805	HARRIS, SCOTT C.	
	Examiner	Art Unit	
	Jason M. Borlinghaus	3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/1/2012.
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
3. ☒ The allowed claim(s) is/are 30-42.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

/Jason M Borlinghaus/
Primary Examiner, Art Unit 3693

Art Unit: 3693

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Scott Harris on 2/1/2012.

Claims 2, 5, 7, 13-26 and 29 are cancelled.

New claims 30-42 are added.

Claim 30. A method comprising:

- entering a bid amount, on a first computer connected to the Internet, for an item being sold via an Internet auction;
- storing information on the first computer about the entered bid amount required to overcome any current bids on the item, wherein the information cannot be viewed by a user of the first computer; and
- utilizing the information, at the first computer, for local determination of whether the entered bid is sufficient to overcome any current bid amounts without communicating the entered bid over the Internet.

Claim 31. The method as in claim 30 wherein:

- the entered bid includes an indication of time and date for execution of the entered bid by an agent program; and
- wherein the agent program keeps the entered bid secret from users other than the user that placed the entered bid until the time and date specified by the indication.

Claim 32. The method as in claim 30, wherein said Internet auction is one in which the a server stores maximum bid amounts entered by users, but only displays a current bid amount

Art Unit: 3693

without displaying said the maximum bid amount, and wherein the information stored at the first computer determines whether an entered bid is higher than the maximum bid amounts.

Claim 33. A method of automated auction bidding, comprising:

- hosting an auction on a first computer connected to the Internet, wherein the first computer is configured to allow a plurality of users to bid on an item from networked computers;
- receiving, at the first computer, from a first user a maximum amount that the first user is willing to pay for the item;
- transmitting to a second computer, at a first time, maximum bid information indicative of the maximum amount that the first user is willing to pay for the item, wherein the maximum bid information cannot be viewed by a second user at the second computer; and
- at a second time subsequent to said first time, receiving a quick bid transmission from the second computer indicating that the second user has selected an icon displayed at the second computer, wherein the quick bid transmission defines an automatically bid amount that will exceed the maximum amount of the first user without the second user entering a bid amount, and wherein the bid amount of the second user is determined by the second computer using said maximum bid information without getting information about said bid amount on said second computer from the first computer at said second time.

Claim 34. The method as in claim 33 wherein there are a plurality of bids, wherein some bids are known to all users and some bids cannot be viewed by users other than the user that placed the bid.

Claim 35. The method as in claim 34 wherein said plurality of bids includes a plurality of bids associated with bid execution times; and bids are not transmitted to the first computer hosting the Internet auction prior to said bid execution times.

Art Unit: 3693

Claim 36. The method as in claim 33, wherein the bid amount generated by the quick bid transmission is displayed to the second user in response to a specified action by the second user.

Claim 37. A system, comprising:

- a client computer configured to communicate with a server computer and obtaining information from the server computer about an item to be auctioned, wherein said information comprises information about maximum bid amounts submitted by a plurality of bidders for said item and a current winning bid for said item, and wherein the information about maximum bid amounts are not disclosed to a user of the client computer; and
- said client computer further configured to display a single icon that, when selected by the user, sends a bid to said server computer without the user entering a bid amount, wherein the sent bid includes a bid amount determined by the client computer based upon said information about maximum bid amounts.

Claim 38. The system as in claim 37, wherein said client computer automatically updates at least one screen to show a new winning bid amount.

Claim 39. The system as in claim 37, wherein said client computer allows sending a plurality of bids to be executed at a plurality of times.

Claim 40. A method, comprising:

- displaying on a first computer a current price for at least one item being sold via an Internet auction;
- storing on the first computer information about a current maximum bid that has been placed for the item, wherein the current maximum bid has been placed by a user other than the user of the first computer and wherein said information is kept secret from the user of the first computer;
- determining on the first computer based upon said information the bid amount required to overcome the current maximum bid amount; and

Art Unit: 3693

- displaying an icon on said first computer which allows a bid to be entered based upon said determining, wherein said icon enables the user to enter a bid sufficient to overcome the current maximum bid without manually entering a bid amount.

Claim 41. The method as in claim 40, further comprising:

- entering a manual bid by the user, by means other than said icon; and
- running an applet on said first computer, which accesses said information to determine whether said manual bid is higher than said maximum bid.

Claim 42. The method as in claim 40, wherein said icon allows said bid to be placed by selecting a single icon and without the user manually entering a bid amount.

Allowable Subject Matter

Claims 30-42 are allowed.

Reasons for Allowance

The following is a statement of reasons for indication of allowable subject matter. The prior art fails to teach or suggest the limitations of:

“storing information on the first computer about the entered bid amount required to overcome any current bids on the item, wherein the information cannot be viewed by a user of the first computer; and utilizing the information, at the first computer, for local determination of whether the entered bid is sufficient to overcome any current bid amounts without communicating the entered bid over the Internet.” (as in Claim 30).

“transmitting to a second computer, at a first time, maximum bid information indicative of the maximum amount that the first user is willing to pay for the item, wherein the maximum bid information cannot be viewed by a second user at the second computer; and ... the second computer ... defines an automatically bid amount that will exceed the maximum amount of the first user without the second user entering a bid amount, and wherein the bid amount of the second user is determined by the second computer using said maximum bid information without getting information about said bid amount on said second computer from the first computer at said second time.” (as in Claim 33).

Such limitation is present in all independent claims.

Art Unit: 3693

It is old and well known in the art for a bidder to submit a bid amount to an auction website in the hope that their bid amount is superior to the bids submitted by competing bidders. Traditionally, the bidder monitors the current winning bid on an auction website, allowing them to base their own bid amount upon the displayed current winning bid. On some occasions, the bidder submits their bid amount completely unaware of the current bids of their competition, such as with a sealed-bid auction or a blind auction.

The instant application distinguishes from these old and well known practices by storing information on a bidder's computer (i.e. bidder one) concerning the current bid amount submitted by another bidder (i.e. bidder two). This information is not directly accessible to the bidder (i.e. bidder one), even though it is stored on the bidder's computer. It is not viewable by the bidder (i.e. bidder one) on an auction website graphic user interface, allowing them to monitor the current bids of their competition. However, it is not quite a sealed-bid auction either, as the bidder's computer (i.e. bidder one) rather than the auction itself determines whether the bidder's (i.e. bidder one) bid amount is superior to the bids of competing bidders (i.e. bidder two).

It is old and well known in the art for a bidder to submit a maximum bid amount to an auction website. Traditionally, this allows a series of incrementally higher bids to be executed on the bidder's behalf by a third-party (usually the auction website) up to the bidder's stated maximum bid amount. This bidding process is generally more convenient for the bidder, as they don't have to monitor the auction and continually submit new bids every time that someone places a marginally higher bid. In the art this is generally referred to as robot bidding, automatic bidding or proxy bidding.

The instant application distinguishes from these old and well known practices by storing information on a bidder's computer (i.e. bidder one) concerning the maximum bid amount submitted by another bidder (i.e. bidder two). This information, although not directly accessible to the bidder (i.e. bidder one), allows their computer to generate their own superior bid and determine locally whether their bid can overcome the maximum bid amount of the other bidder (i.e. bidder two).

Furthermore, the Examiner finds such a modification to be non-obvious, as the transmission and storage of a bidder's current bid amount or maximum bid amount on the

Art Unit: 3693

computer of a competing bidder is counter-intuitive. Through such a decentralized online auction scheme, an auction would be distributing confidential information (e.g. maximum bid amounts) concerning their bidders to the computers of competing bidders. Even though this confidential information is not directly accessible to the competing bidders, based upon the security issues inherent in such a decentralized auction system, the Examiner finds transmission and storage of this confidential information on the computers of competing bidders is non-obvious.

Harrington (US Patent 6,161,099) discloses a method/system for submitting a bid to an online auction and determining whether the submitted bid is superior to bids submitted by competing bidders. (see col. 5, lines 20-35). However this patent, neither alone nor in combination with others, discloses or suggests the feature of transmitting and storing information on a bidder's computer concerning the bid amounts of competing bidders, wherein that information is not accessible to the bidder, or determining at the bidder's computer, rather than at the auction website's server, whether the newly generated bid is superior to the bids of competing bidders.

Miller (Miller, Michael. *The Complete Idiot's Guide to Online Auctions*. Que. July 1999. Pp. 17-24 and 190-194) discloses a method/system for submitting a bid to an online auction and determining whether the submitted bid is superior to bids submitted by competing bidders. (see pp. 18-23 and 190-194). However this non-patent literature, neither alone nor in combination with others, discloses or suggests the feature of transmitting and storing information on a bidder's computer concerning the bid amounts of competing bidders, wherein that information is not accessible to the bidder, or determining at the bidder's computer, rather than at the auction website's server, whether the newly generated bid is superior to the bids of competing bidders.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Art Unit: 3693

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Borlinghaus whose telephone number is (571)272-6924. The examiner can normally be reached on Monday - Friday; 9am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James A. Kramer can be reached on (571)272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason M Borlinghaus/
Primary Examiner, Art Unit 3693
February 8, 2012